

STANDARD APPLICATION  
**Harford County**  
**Board of Appeals**  
Bel Air, Maryland 21014

MAY 26 2006

Case No. 5535  
Date Filed April 18, 2006  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$400.00

Shaded Areas for Office Use Only

Type of Application

- \_\_\_\_ Administrative Decision/Interpretation  
\_\_\_\_ Special Exception  
\_\_\_\_ Use Variance  
\_\_\_\_ Change/Extension of Non-Conforming Use  
\_\_\_\_ Minor Area Variance  
\_\_\_\_ Area Variance  
\_\_\_\_ Variance from Requirements of the Code  
\_\_\_\_ Zoning Map/Drafting Correction  
\_\_\_\_

Nature of Request and Section(s) of Code

CASE 5535 MAP 43 TYPE Expansion of Non-Conforming Use  
ELECTION DISTRICT 02 LOCATION 3554 Aldino Road, Churchville 21028  
BY Simmons Wright Aeropark and Harford County Airport Owners Group  
Appealed because Expansion of an existing non-conforming use (Aldino Airport)  
pursuant to Section 267-21 of the Harford County Code for the construction of new  
hangars in the AG District requires approval by the Board.

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

**Applicant/Owner (please print or type)**

Name Simmons Wright Aeropark Phone Number 410-679-7242  
Address PO Box 472 Churchville MD 21028  
Street Number Street City State Zip Code

Co-Applicant Harford County Airport Owners Group Phone Number 410-836-2828  
Address 3538 Aldino Road Churchville MD 21028  
Street Number Street City State Zip Code

Contract Purchaser \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative Kevin Shess - Airport Manager Phone Number 410-836-2828  
Address 3538 Aldino Road Churchville MD 21028  
Street Number Street City State Zip Code

**Land Description**

Address and Location of Property 3554 Aldino Rd. Churchville MD 21028

Subdivision N/A

Lot Number \_\_\_\_\_

Acreage/Lot Size 10.87 Election District 02

Zoning AG

Tax Map No. 43 Grid No. 2D Parcel 84 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: RESIDENTIAL DWELLING W/ GARAGE + SWD;  
PRESENTLY RENTED

Estimated time required to present case: 1.0 hr.

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

**Request**

(SEE ATTACHED)

**Justification**

(SEE ATTACHED)

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

## **Harford Air Services**

3838 Aldino Road  
Churchville, MD 21028  
Phone: 410-836-2828  
Fax: 410-836-2022

April 10, 2006

Harford County  
Department of Planning and Zoning  
220 South Main Street  
2<sup>nd</sup> Floor  
Bel Air, MD 21014

Subject: ***Request for land use zoning Special Exception***

Dear Sir or Madam:

In an ongoing effort to enhance Harford County Airport security, Simmons- Wright Aeropark, LLC (applicant/owner) is requesting special exception, of agricultural zoning proper, for the purpose of constructing aircraft storage hangars. This 10.87 acre parcel of property is located at 3554 Aldino Rd. Churchville MD 21028. The property is adjacent Harford County Airport.

### **Relationship of Harford County Airport Owner's Group, Inc., and Simmons-Wright Aeropark, LLC**

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Harford County Airport Owner's Group, Inc. ("Harford County Airport") , is a for-profit, Maryland Corporation owned by approximately 40 stockholders. The airport celebrated its 50<sup>th</sup> year anniversary in 1991. Harford County Airport has been in operation for over 65 years. "Harford County Airport" consists of approximately 70 acres of land with improvements of buildings and hangars for airport operations.

Simmons-Wright Aeropark, LLC (referred to herein sometimes as "Simmons - Wright") is a Maryland Limited Liability Company owned on an equal basis by S. Fred Simmons and Stephen M. Wright, CPA. "Simmons - Wright" owns 95% of the total outstanding stock of Harford County Airport Owner's Group, Inc. "Simmons- Wright Aeropark, LLC" holds title the subject property.

### **Project justification:**

#### **I. Enhance Airport Security At Harford County Airport**

The owners of the property (Simmons-Wright Aeropark, LLC), in conjunction with Harford County Airport Owner's Group, Inc. ("Harford County Airport" a.k.a "Aldino Airport") desires the special exception land use zoning to enhance aircraft security. Security at "Harford County Airport" is enhanced by this project by allowing the storage of aircraft to be housed in locked hangars in a secured area, as is being proposed. Presently, all of the storage hangars at the airport are fully occupied. A significant number of aircraft are "tied down" by ropes in the grass areas of the airport. This project reduces the need of such "tie downs" and these proposed hangars will greatly assist in the potential misuse of aircraft at Harford County Airport.

The Transportation Security Administration (TSA) states in their Security Guidelines for General Aviation Airports (Section 3.3.1) as follows:

“Storage in hangars is one of the most effective methods of securing general aviation aircraft. TSA recognizes that hangar space at many airports is limited. However, every attempt should be made to utilize hangars when available and ensure that all hangar/personnel doors are secured when unattended.”

Currently at Harford County Airport, as much as 70 % of all aircraft storage and parking is outdoors from time to time. Additionally, Harford County Airport is a public use airport that is not attended outside of normal business hours. This request is not an expansion of the airport or its usage, but rather improving the safety and security of aircraft currently based at Harford County Airport in accordance with the recommendations of the TSA and the Maryland Aviation Administration.

## **II. ENHANCE SECURITY OF THE REGIONAL AIRSPACE**

By providing additional security over the aircraft stored at Harford County Airport and reducing the potential for misuse of aircraft, the protection of the regional airspace is also enhanced.

Your consideration of this special exception zoning is greatly appreciated.

Sincerely,



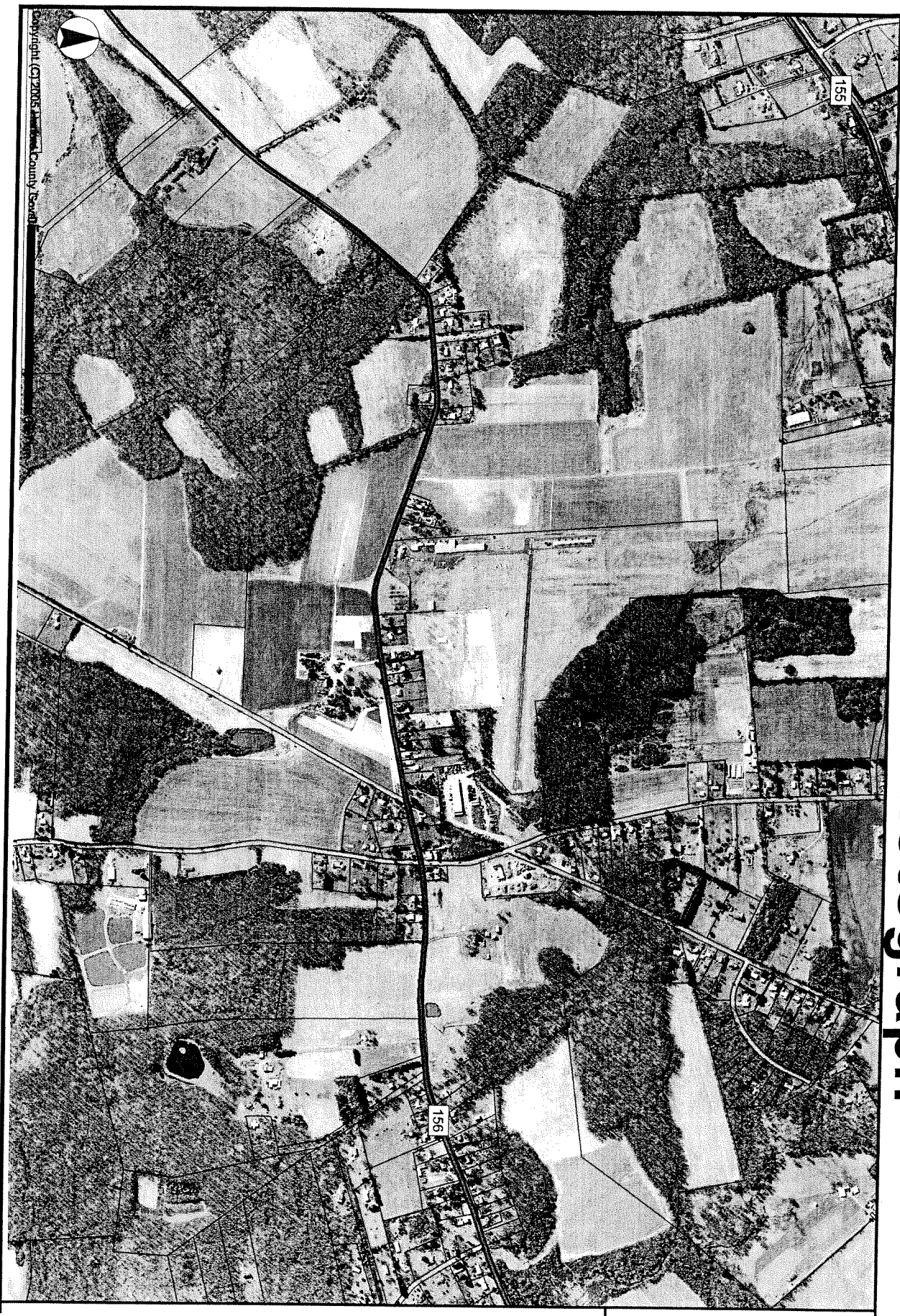
Kevin Hess

Airport Manager

Copy: S. Fred Simmons, President  
Simmons Wright Aeropark, LLC

Stephen M. Wright, CPA, Vice President  
Simmons-Wright Aeropark, LLC

# Aerial Photograph



DAVID R. CRAIG  
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO  
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

July 7, 2006

### STAFF REPORT

### **BOARD OF APPEALS CASE NO. 5535**

APPLICANT/OWNER: Simmons Wright Aeropark  
PO/Box 472, Churchville, Maryland 21028

Co-APPLICANT: Harford County Airport Owners Group  
3538 Aldino Road, Churchville, Maryland 21028

REPRESENTATIVE: Kevin S. Hess – Airport Manager  
3538 Aldino Road, Churchville, Maryland 21028

LOCATION: 3554 Aldino Road, Churchville  
Tax Map: 43 / Grid: 2D / Parcel: 84  
Election District: Second (2)

ACREAGE: 10.87 acres

ZONING: AG/Agricultural

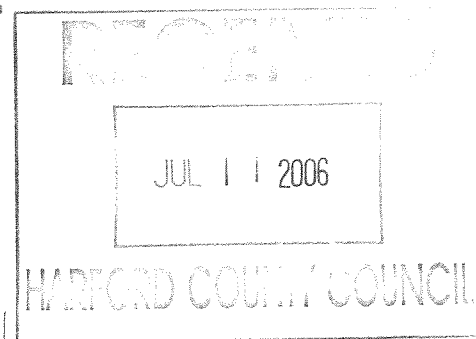
DATE FILED: April 18, 2006

HEARING DATE: July 17, 2006

### **APPLICANT'S REQUEST and JUSTIFICATION:**

See ATTACHMENT 1.

### **CODE REQUIREMENTS:**



*Preserving Harford's past; promoting Harford's future*

## STAFF REPORT

Board of Appeals Case Number 5535

Simmons Wright Aeropark

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The Applicants are requesting Expansion of an existing non-conforming use (Aldino Airport) pursuant to Section 267-21 of the Harford County Code for the construction of new hangars in the AG/Agricultural District.

Section 267-21 of the Harford County Code reads:

*267-21. Enlargement or extension of nonconforming buildings structures or uses.*

*The Board may authorize the extension or enlargement of a nonconforming use, with or without conditions, provided that:*

- A. The proposed extension or enlargement does not change to a less-restricted and more intense use.*
- B. The enlargement or extension does not exceed fifty percent (50%) of the gross square footage in use at the time of the creation of the nonconformity.*
- C. The enlargement or extension does not violate the height or coverage regulations for the district.*
- D. The enlargement or extension would not adversely affect adjacent properties, traffic patterns or the surrounding neighborhood.*
- E. The limitations, guides and standards set forth in Section 267-91, Limitation, guides and standards, are considered by the Board.*

Section 267-91 of the Harford County Code entitled Limitation, Guides and Standards will be discussed in detail later in the report.

### **LAND USE and ZONING ANALYSIS:**

#### **Land Use – Master Plan:**

The Applicant's property is located on the north side of Aldino Road, west of Hopewell Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located outside of the Development Envelope. The predominant Land Use designation is Agricultural. The Natural Features Map reflects Rural Legacy Areas, Maryland Environmental Trust Easements, Agricultural Preservation Districts and Easements, and stream systems. The subject property is designated as Agricultural which is defined by the 2004 Master Plan as:

***Agricultural** – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.*

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Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

### Land Use – Existing:

The existing land uses conform to the overall intent of the 2004 Master Plan. The primary land use is Agriculture which includes cropland, pastureland, and large areas of dense woodland. There are several small single family residential subdivisions in the area. There are some commercial uses which support the local community. Other land uses include churches, cemetery and the Level Volunteer Fire Department. Topography in the area ranges from level to rolling. Enclosed with the report is a copy of the topography Map and the aerial photograph (Attachments 6 and 7).

The subject property is a 10.87 acre parcel. The adjacent 58± acre parcel contains the airport runways and buildings. The proposed hangars will be accessed thru the adjacent parcel. The improvements on the subject property consist of a brick and frame single family dwelling with an attached 2 car garage. To the right and rear of the dwelling is a small frame utility shed. The Department would recommend that landscaping be planted to the south side of the proposed hangars to screen them from the properties along Aldino Road. The topography of the site ranges from level to gently sloping. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 8 and 9).

The adjacent 58 acres contains existing runways, hangars, repair facility, office and training area. There is a parking area between the road and office building. The 58 acre site is zoned GI/General Industrial. The use has existed since the 40's and is considered non-conforming.

### Zoning:

The zoning classifications in the area are mainly consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classification is AG/Agricultural. There are also areas of RR/Rural Residential. The airport was re-zoned in 1961 from AG/Agricultural to M1/Light Industrial District (Attachment 10). During the 1982 Comprehensive Rezoning the 58 acre property was zoned GI/General Industrial District. The parcel that is the subject of this case is zoned AG/Agricultural. Enclosed is a copy of the Zoning Map (Attachment 11).

A variance to disturb wetlands (Case 4700) at the end of the run was reviewed and approved by the Board of Appeals in 1997. A copy of the decision is enclosed with this report (Attachment 12).



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### **SUMMARY:**

The Applicants are requesting Expansion of an existing non-conforming use (Aldino Airport) pursuant to Section 267-21 of the Harford County Code for the construction of new hangars in the AG/Agricultural District.

Section 267-21:

*267-21. Enlargement or extension of nonconforming buildings structures or uses.*

The airport has been in operation since approximately 1941. Therefore, the use is considered a valid non-conforming use under the guidelines of the Zoning Code. The Applicants have stated that the original owner parked his airplane to the rear of the existing dwelling. Apparently the original owner lived in the dwelling on the 10 acre parcel.

*The Board may authorize the extension or enlargement of a nonconforming use, with or without conditions, provided that:*

*A. The proposed extension or enlargement does not change to a less-restricted and more intense use.*

The existing Aldino Airport has been in operation at this site since 1941, over 65 years. A large number of airplanes are stored in the field to the right of the existing hangars. There is no room to construct the required number of new hangars within the GI district without interfering with the runways (see site plan). The request is not considered a change in the overall use of the airport.

Access to the hangars will be from the existing airport property. The proposed hangars will be approximately 100 feet from the adjacent properties and approximately 300 from the nearest dwellings. They will be used for the storage of the planes only and no maintenance will be permitted in the hangar areas.

*B. The enlargement or extension does not exceed fifty percent (50%) of the gross square footage in use at the time of the creation of the nonconformity.*

The use of the 10 acre parcel does not exceed 50% of the area used at the time of the nonconformity.

*C. The enlargement or extension does not violate the height or coverage regulations for the district.*

The hangars are one story buildings and must be designed to meet the height and coverage regulations.

## STAFF REPORT

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Simmons Wright Aeropark

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*D. The enlargement or extension would not adversely affect adjacent properties, traffic patterns or the surrounding neighborhood.*

The construction of the hangars will allow the planes currently stored outside to be kept within the buildings. The Department recommends that landscaping be provided between the hangars and the adjacent residences to the south.

*E. The limitations, guides and standards set forth in Section 267-91, Limitation, guides and standards, are considered by the Board.*

### Section 267-9I:

*(1) The number of persons living or working in the immediate area.*

The airport has been a part of this community since 1941. The proposed expansion of the use should not have an adverse impact on the community provided the buildings are properly screened from the adjacent residential dwellings and from Aldino Road.

*(2) Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The proposal should not have an adverse impact on traffic. According to the Applicant, most of the owners only fly there planes a few times a year. The construction of the hangars will not generate a significant amount of additional traffic to and from the property.

*(3) The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The construction of the hangars will provide necessary security for the planes. The construction of the hangars will not have a fiscal impact on the County.

*(4) The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

Construction of the hangars should not increase the impacts from the issues listed in this section.

*(5) Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The Harford County Sheriff's Office and the Maryland State Police will provide police protection. The Level Volunteer Fire Department will handle fire protection and emergency

## STAFF REPORT

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Simmons Wright Aeropark

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needs. The project will be served by private well and septic system. The Applicants will be required to arrange for trash collection with a private hauler.

*(6) The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The request is generally consistent with accepted planning principles.

*(7) The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The proposed hangars should have no adverse impact on the uses as listed in this section.

*(8) The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The request to construct hangars is an improvement to the existing facility and provides security for the planes. The proposal is consistent with the Master Plan.

*(9) The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The proposed hangars should have no adverse environmental impacts. Any Natural Resource District (NRD) areas must be identified on the site plan submitted to the Development Advisory Committee. Any NRD areas located onsite must be avoided during development of the hangars.

*(10) The preservation of cultural and historic landmarks.*

Not applicable to the request.

In a letter dated May 1, 2006 Ashish J Solanki, Director Office of Regional Aviation Assistance states that they are pleased at the airports efforts to obtain approvals for additional hangars given the shortage in Maryland as well as the Mid-Atlantic area. The letter further states that their efforts will go a long way to the continuing demand. The lack of hangar space has resulted in owners of aircraft locating them in other states. Whether the planes are flown for business or pleasure the owners contribute to the economic benefit of the airport and respective communities. The additional hangar space allows the airport to maintain a safe and secure airport environment. A copy of the letter is enclosed with the report (Attachment 13).

### **RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

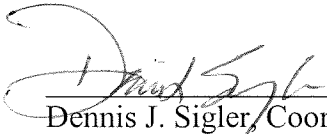
STAFF REPORT


Board of Appeals Case Number 5535

Simmons Wright Aeropark

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1. The Applicants obtain all necessary permits and inspections for the proposed hangars.
2. The Applicants adequately buffer and screen the proposed hangars from the residential properties to the south along Aldino Road. The applicants shall submit a landscaping plan to the Department for review and approval prior to issuance of building permits.
3. The Applicants shall prepare a detailed site plan for review and approval thru the Development Advisory Committee (DAC). No maintenance of planes shall take place within the hangar area.
4. The 10± acre parcel shall be combined with the overall 58± acre airport property.
5. The existing access to Aldino Road shall be eliminated. All access to the hangar area shall be from within the overall airport property.

  
Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

  
Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

DJS/ASM/jf